

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RONALD HUGH HUTTON,

Plaintiff,

v.

**U.S. DEPARTMENT OF VETERANS
AFFAIRS, *et al.*,**

**Case No. 2:25-cv-296
Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers**

Defendants.

ORDER

This matter is before the Court on the Order and Report and Recommendation issued by the Magistrate Judge on March 27, 2025. (ECF No. 3.) The Magistrate Judge conducted an initial screen of Plaintiff Ronald Hugh Hutton’s Complaint as required by 28 U.S.C. § 1915(e)(2). (*Id.*) Although the Magistrate Judge noted that the precise nature of Mr. Hutton’s claims is not readily discernible, she recommended that the Complaint be dismissed under 28 U.S.C. § 1406(a) because venue in this Court is not proper. (*Id.* PageID 110–11); *see also Fisi v. Extra Space Storage, Inc.*, No. 23-11825, 2023 U.S. Dist. LEXIS 138871, at *3 (E.D. Mich. Aug. 9, 2023) (dismissing action brought by a *pro se* plaintiff when there was no conceivable basis for venue and no indication that transferring rather than dismissing might be in the interests of justice). She explained that none of the injuries Mr. Hutton alleges occurred in Ohio. (*Id.* PageID 111–12.) Instead, the events giving rise to his Complaint occurred in North Carolina, Georgia, Tennessee, New Jersey, and Pennsylvania. (*Id.*)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those

portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Mr. Hutton was advised of his right to object to the Order and R&R and of the consequences of failing to do so (ECF No. 3, PageID 112–13), but he did not file a timely objection. Accordingly, Mr. Hutton waived a de novo review of the Order and R&R.

The Court has reviewed the Order and R&R and agrees with the recommendations stated therein. The Court **ADOPTS** and **AFFIRMS** the Order and R&R. (ECF No. 3.) This action is **DISMISSED WITHOUT PREJUDICE** for improper venue.

The Clerk is **DIRECTED** to **ENTER JUDGMENT** and terminate this case from the Court's docket and mail a copy of this Order to Mr. Hutton at 1037 Parsons Avenue, Columbus, Ohio, 43206.

IT IS SO ORDERED.

5/9/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE